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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/509,382

05/31/2005

Koji Sugiyama

121284

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25944

7590

04/14/2009

OLIFF & BERRIDGE, PLC

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ALEXANDRIA, VA 22320-4850

EXAMINER

MCCLAIN, GERALD

ART UNIT

PAPER NUMBER

3653

MAIL DATE

DELIVERY MODE

04/14/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/509,382	<b>Applicant(s)</b> SUGIYAMA ET AL.	
	<b>Examiner</b> GERALD W. MCCLAIN	<b>Art Unit</b> 3653	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 25 February 2009 has been entered.

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-14 and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Stier (WO 99/47362 A1).

Claims 1 and 16: printer (abstract); package member (20); sheet package (10); flap member (18); first fastening member (38); first side (24); second fastening member (36); second side (22); topside of the package member (24); edge at an end (see FIG. 7 below, EE); (Regarding the Claim 16 (and 17), see MPEP § 2115, "Material Or Article Worked Upon Does Not Limit Apparatus Claims");

Claim 2: flap member (18); portion of the package member (26);

Claim 3: package member (20); portion (26); prescribed part (32);

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Claim 4: package member (20); tongue part (18); portion of the package member (26); pressing member (page 2, line 15); roller (Claims 8/10); printer (abstract); (Note: since there is a roller, the pressing member either may directly push the sheets, or the roller may press the sheets against the pressing member that is in static position (reactive force).)

Claim 5: package member (20); first cut (36); second side (22); portion of the package member (26);

Claim 6: package member (20); second cut (38); first side (24); portion of the package member (26);

Claim 7: second cut (38); tongue part (18);

Claim 8: package member (20); sheet packages (10); part of the package member (26); first cut (24); (Note: packages “can be” connected together in at least a lateral aligned state.)

Claim 9: package member (20); wrapping part (40/42); part of an outside of the tongue part (area of 24 near 40/42); tab (40A);

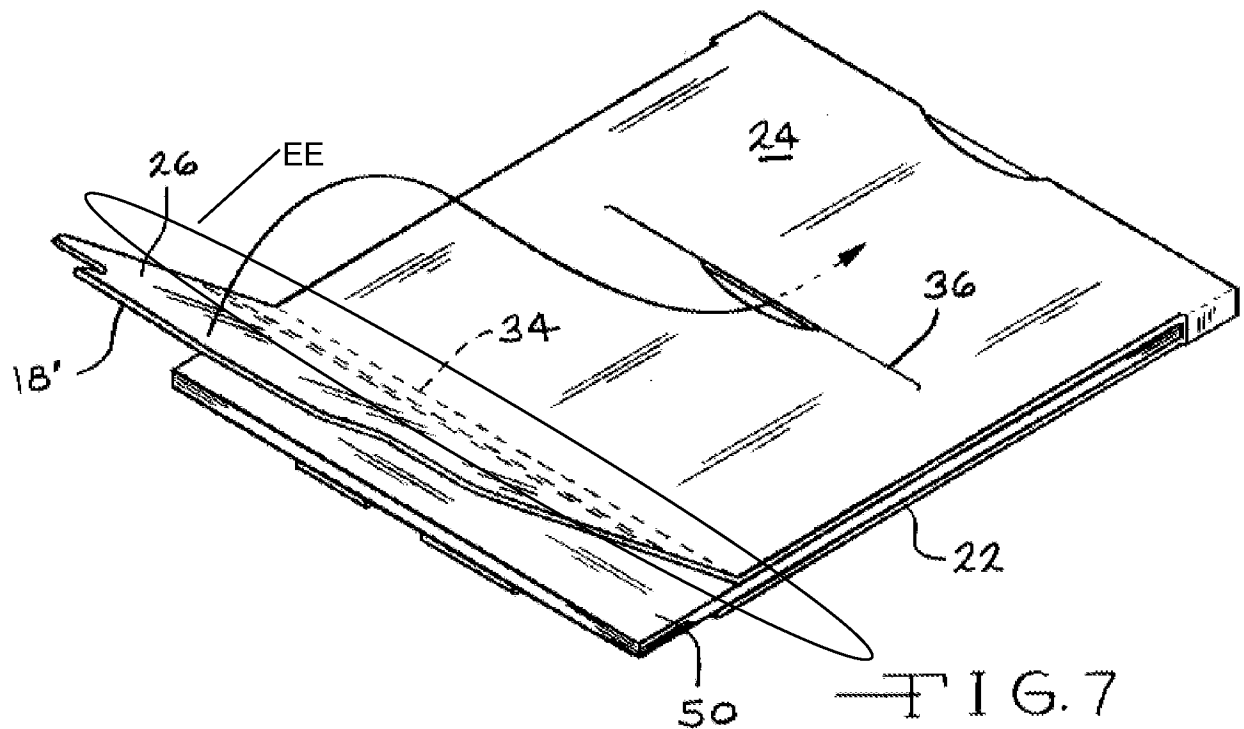
Claims 10 and 17: printer (abstract); package member (20); sheet package (10); base (24); flap part (26); tongue part (18); first wrapping part (40A); second wrapping part (40B); topside of the package member (24); edge at an end (see FIG. 7 below, EE);

Claim 11: crease (34); flap part (26); base (24); package member (20);

Claim 12: tongue part (18); base (24); flap part (26);

Claim 13: base (24); cut (38); flap part (26); sheet package (10);

Claim 14: tongue part (18); cut (36); flap part (26).



**Claim Rejections - 35 USC § 103**

Claim 15, as understood by the Examiner, is rejected under 35 U.S.C. 103(a) as being unpatentable over Stier in view of Ishiduka (US 6,217,019) ("Ishiduka"). Stier discloses:

Claim 15: printer (abstract); package member (20); recloseable flap member (18); joining part (40A/40B); first fastening member (38); first side (24); second fastening member (36); second side (22); topside of the package member (24); edge at an end (see FIG. 7 above, EE).

Stier does not directly show an indicator part or a window of the printer.

Ishiduka shows a similar device having an indicator part (29a) and a window of the printer (44; Note: 35 is part of the printer) for the purpose of reading the paper information from a bar code (column 6, lines 23-24). Therefore, it would have been

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obvious to a person having ordinary skill in the art at the time the invention to modify Stier as taught by Ishiduka and include Ishiduka's similar device having an indicator part and a window of the printer for the purpose of reading the paper information from a bar code.

### ***Response to Arguments***

Applicant's arguments filed 25 February 2009 have been fully considered but they are not persuasive.

However, as seen in Fig. 7 of Stier, the top panel 24 of the paper cartridge does not completely cover and completely extend along an edge where flap 26 is disposed when flap is in an open state. Therefore, Stier does not disclose a package member having a flap member in which, when the flap member is in an open state, a topside of the package member completely covers and extends completely along an edge at an end of the package member where the flap member is disposed, as recited in independent claim 1 and similarly recited in independent claim 10.

The topside 24 covers and extends completely at end EE as indicated in FIG. 7 above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERALD W. MCCLAIN whose telephone number is (571)272-7803. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571) 272-6916. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gerald W. McClain  
Examiner  
Art Unit 3653

/Patrick H. Mackey/  
Supervisory Patent Examiner, Art  
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